

ORDER NO. 2465

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Acting Chairman;
Tony Hammond, Vice Chairman;
Mark Acton;
Ruth Y. Goldway; and
Nanci E. Langley

Rules for Automatic Closure
of Inactive Dockets

Docket No. RM2015-8

NOTICE OF PROPOSED RULEMAKING REGARDING
AUTOMATIC CLOSURE OF INACTIVE DOCKETS

(Issued May 4, 2015)

I. INTRODUCTION

The Commission establishes a rulemaking docket pursuant to the Postal Accountability and Enhancement Act (PAEA), Pub. L. 109-435, 120 Stat. 3198 (2006), which authorizes the Commission to develop rules and establish procedures that it deems necessary and proper to carry out Commission functions.¹

The primary purpose of this rulemaking is to establish procedures that would simplify the docket closure process by permitting automatic closure of a docket where there has been no activity in the docket for at least 12 months. The proposed rule

¹ See 39 U.S.C. 503; see *also* Postal Reorganization Act, Pub. L. 91-375, 84 Stat. 759 (1970), at section 3603.

would ensure that the information provided to the public concerning active dockets remains current. The proposed rule promotes sound and efficient administrative practice, and would serve the public interest by reducing uncertainty over the status of inactive dockets.

II. BACKGROUND

Currently, there are no regulations in place that allow for the automatic closure of an inactive docket. In recent years, the Commission has initiated closure of inactive dockets by issuing an order to that effect. For example, on January 29, 2015, the Commission issued an order closing Docket No. PI2012-1 after nearly two years of inactivity.² On January 30, 2015, the Commission issued an order closing Docket No. PI2010-1 as there had been no activity in the docket since June 2011.³ Certain other long-standing dockets, such as the ones noted above, remain open and are identified on the Commission's website as active dockets, despite years of inactivity. The proposed rule would establish a maximum inactive period that would automatically initiate docket closure, without Commission action, thereby preventing dormant dockets from remaining open without productive activity. It would also establish an opportunity for interested persons to request the reopening of an automatically closed docket for good cause.

III. PROPOSED RULES

Proposed § 3001.44(a) sets an inactive period of 12 months as the triggering event for automatic docket closure. Proposed § 3001.44(b) provides interested persons with an opportunity to request that an inactive docket remain open at least 10 days prior to automatic closure. Proposed § 3001.44(c) provides interested persons with an opportunity to request that an automatically closed docket be reopened for good cause.

² Docket No. PI2012-1, Order No. 2335, Order Closing Docket, January 29, 2015.

³ Docket No. PI2010-1, Order No. 2337, Order Closing Proceeding, January 30, 2015, at 2.

IV. COMMENTS REQUESTED

Interested persons are invited to provide written comments concerning the proposed rules. Comments are due no later than 30 days after the date of publication of this notice in the *Federal Register*. All comments and suggestions received will be available for review on the Commission's website, <http://www.prc.gov>.

Pursuant to 39 U.S.C. 505, Anne C. O'Connor is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in the above-captioned docket.

V. ORDERING PARAGRAPHS

It is ordered:

1. Docket No. RM2015-8 is established for the purpose of receiving comments on the proposed changes to part 3001, as discussed in this Order.
2. Interested persons may submit comments no later than 30 days from the date of publication of this notice in the *Federal Register*.
3. Pursuant to 39 U.S.C. 505, Anne C. O'Connor is appointed to serve as Public Representative in this proceeding.
4. The Secretary shall arrange for publication of this Order in the *Federal Register*.

By the Commission.

Shoshana M. Grove
Secretary

List of Subjects in 39 CFR Part 3001

Administrative practice and procedure, Postal Service.

For the reasons discussed in the preamble, the Commission proposes to amend chapter III of title 39 of the Code of Federal Regulations as follows:

Part 3001—RULES OF PRACTICE AND PROCEDURE

1. The authority citation of part 3001 continues to read as follows:

Authority: 39 U.S.C. 404(d); 503; 504; 3661.

2. Add new § 3001.44 to read as follows:

§ 3001.44 Automatic Closure of Inactive Docket.

(a) The Commission shall automatically close a docket in which there has been no activity of record by any interested party or participant for 12 consecutive months.

(b) *Motion to stay automatic closure.* Any interested party or participant, including the Postal Service, a Public Representative, or the Commission, may file a motion to stay automatic closure, pursuant to § 3001.21, and request that the docket remain open for a specified term not to exceed 12 months. Motions to stay automatic closure must be filed at least 10 days prior to the automatic closure date.

(d) *Motion to reopen automatically closed docket.* If, at any time after a docket has been automatically closed, any interested party or participant, including the Postal Service, a Public Representative, or the Commission, may file a motion to reopen an automatically closed docket, pursuant to § 3001.21, and must set forth with particularity good cause for reopening the docket.

CONCURRING OPINION OF COMMISSIONER GOLDWAY

I believe due process and transparency in public proceedings obliges a notice to the public when a docket is closed. Lacking such notice, it will be more difficult for interested persons to determine when, how and for what reason a docket was terminated.

I would add the following language to the Proposed Rule: “The Commission shall issue a public notice announcing the automatic closure of the docket, at the time of closure.”

The rule would be improved and the Commission’s commitment to openness and citizen participation would be enhanced if the Commission were to adopt in the Final Rule the additional step I had recommended.

Ruth Y. Goldway